

## Federal Communications Commission

## § 101.35

identified in § 101.123 or, if operated on frequencies in the 17.8–19.7 GHz band, within any of the areas identified in § 101.123(d);

(vi) If operated on frequencies in the 10.6–10.68 GHz band, the station site does not lie within any of the following regions:

Name of region	Dimensions=radius in kilometers	Center-point
Kitt Peak, Arizona .....	60	N31–57–22; W111–36–42
Big Pine, California .....	60	N37–13–54; W118–16–34
Vandenberg AFB, California .....	75	N34–43–00; W120–34–00
Denver, Colorado .....	150	N39–43–00; W104–46–00
Washington, DC .....	150	N38–48–00; W76–52–00
Eglin AFB, Florida .....	50	N30–29–00; W86–32–00
Mauna Kea, Hawaii .....	60	N19–48–16; W155–27–29
North Liberty, Iowa .....	60	N41–46–17; W91–34–26
Maryland Point, Maryland .....	60	N38–22–26; W77–14–00
Hancock, New Hampshire .....	60	N42–56–01; W71–59–12
Los Alamos, New Mexico .....	60	N35–46–30; W106–14–42
Pie Town, New Mexico .....	60	N34–18–04; W108–07–07
Socorro, New Mexico .....	160	N34–04–43; W107–37–04
WSMR, New Mexico .....	75	N32–23–00; W106–29–00
Minot AFB, North Dakota .....	80	N48–15–00; W101–17–00
Arecibo, Puerto Rico .....	160	N18–20–37; W66–45–11
Fort Davis, Texas .....	60	N30–38–06; W103–56–39
St. Croix, Virgin Islands .....	60	N17–45–31; W64–35–03
Brewster, Washington .....	60	N48–07–53; W119–40–55
Green Bank, West Virginia .....	160	N38–25–59; W79–50–24

(vii) The filed application(s) does not propose to operate in the 21.2–23.6 GHz band with an E.R.P. greater than 55 dBm pursuant to § 101.147(s); and

(viii) The filed application(s) is consistent with the proposal that was coordinated pursuant to § 101.103.

(2) Conditional authority ceases immediately if the application(s) is returned by the Commission because it is not acceptable for filing.

(3) A conditional authorization pursuant to paragraphs (e)(1) and (e)(2) of this section is evidenced by retaining the original executed conditional licensing Certification Form with the station records. Conditional authorization does not prejudice any action the Commission may take on the subject application(s). Conditional authority is accepted with the express understanding that such authority may be modified or cancelled by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises. An applicant operating pursuant to this conditional authority assumes all risks associated with such operation, the termination or modification of the conditional authority, or the subsequent dismissal or denial of its application(s).

(4) The Certification Form, or a copy thereof, must be posted at each station

operating pursuant to this section consistent with § 101.215.

[61 FR 26677, May 28, 1996, as amended at 62 FR 55538, Oct. 27, 1997; 63 FR 10779, Mar. 5, 1998]

### § 101.33 Who may sign applications.

See part 1 of this chapter (§§ 1.743 and 1.913), for practices and procedures governing signatures on applications, amendments and related statements of fact.

### PROCESSING OF APPLICATIONS

### § 101.35 Preliminary processing of applications.

(a) Applications received for filing are given a file number. The assignment of a file number to an application is for administrative convenience and does not indicate the acceptance of the application for filing and processing and does not preclude the subsequent return of the application.

(b) Applications that are incomplete with respect to answers, supplementary statements, execution, or other matters of a formal character will be considered defective and may be returned to the applicant with a brief statement as to such defects. If an applicant is requested by the Commission

to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be dismissed. Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

- (1) Statutory disqualification of applicant;
  - (2) Proposed use or purpose of station would be unlawful;
  - (3) Requested frequency is not allocated for assignment for the service proposed;
  - (4) The submitted filing fee (if required) is insufficient;
  - (5) The application does not demonstrate compliance with the special requirements applicable to the radio service involved;
  - (6) The applications does not include all necessary exhibits; or
  - (7) The application fails to meet any other Commission requirements.
- (c) Any application that has been returned to the applicant for correction will be processed in original order of receipt when resubmitted if it is received within 60 days from the date on which it was returned to the applicant and the change does not involve a major amendment. If the application is not resubmitted within the prescribed time, it will be treated as a new application and considered at the time other applications received on the same date are considered.
- (d) Applications considered defective under paragraph (b) of this section may be accepted for filing if:
- (1) The application is accompanied by a request which sets forth the reasons in support of a waiver of (or an exception to), in whole or in part, any specific rule, regulation, or requirement with which the application is in conflict; or
  - (2) The Commission, upon its own motion, waives (or allows an exception to), in whole or in part, any rule, regulation or requirement.
- (e) Competitive bidding applications will be processed pursuant to part 1,

subpart Q, of this chapter and subpart M of this part.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23164, Apr. 29, 1997]

**§ 101.37 Public notice period.**

(a) At regular intervals, the Commission will issue a public notice listing:

- (1) The acceptance for filing of common carrier applications, Local Multipoint Distribution Service applications, and major amendments thereto;
- (2) Significant Commission actions concerning these applications;
- (3) The receipt of common carrier applications and Local Multipoint Distribution Service applications for minor modifications made pursuant to § 101.59;
- (4) Information which the Commission in its discretion believes of public significance; and
- (5) Special environmental considerations as required by part 1 of this chapter.

(b) A public notice will not normally be issued for any of the following applications:

- (1) For authorization of a minor technical change in the facilities of a proposed or authorized station where such a change would not be classified as a major amendment to a pending application, as defined by § 101.29, or as a minor modification to a license pursuant to § 101.59;
  - (2) For temporary authorization pursuant to § 101.31;
  - (3) For an authorization under any of the proviso clauses of section 308(a) of the Communications Act of 1934 (47 U.S.C. 308(a));
  - (4) For consent to an involuntary assignment or transfer of control of a radio authorization; or
  - (5) For consent to a voluntary assignment or transfer of control of a radio authorization, where the assignment or transfer does not involve a substantial change in ownership or control.
- (c) Except as otherwise provided in this part (e.g., § 101.59), no application that has appeared on public notice will be granted until the expiration of a period of thirty days following the issuance of the public notice listing the application, or any major amendment